

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ JUN 30 2005 ★

UNITED STATES OF AMERICA
-v-

OLAYINKA ADELAJU

P.M.
JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR-04-954 (ARR)
ANDREW CARTER, ESQ
16 COURT STREET, 3rd FL.
BROOKLYN, NEW YORK 11241
Defendant's Attorney & Address

THE DEFENDANT:

XXX pleaded guilty to count one of the indictment.
— was found guilty on counts

Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses: after a plea of not guilty.

TITLE & SECTION

21 USC 952(a),
960(a)(1) &
960(b)(3)

NATURE & OFFENSE
IMPORTATION OF HEROIN.

COUNT NUMBER(S)
ONE (1)

The defendant is sentenced as provided in pages 2 through of this Judgment.
The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

— The defendant has been found not guilty on count(s) and is discharged as
to such count(s).
XXX Remaining counts are dismissed on the motion of the United States.
— It is ordered that the defendant shall pay to the United States a special
assessment of \$100.00 which shall be due XXX immediately as follows:

It is further ORDERED that the defendant shall notify the United States Attorney for this
district within 30 days of any change of residence or mailing address until all fines,
restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec # NONE

Defendant's Date of Birth 7/12/64

Defendant's Mailing Address:

22 WOLO STREET

IKORODO, NIGERIA

Defendant's Residence Address:

(SAME AS ABOVE)

JUNE 23, 2005
Date of Imposition of Sentence

ALLYNE/R. ROSS, U.S.D.J.

JUNE 23, 2005
Date

A TRUE COPY ATTEST

Date: ROBERT C. HEINEMANN
CLERK OF COURT

By:

DEPUTY CLERK

Defendant: OLAYINKA ADELAJU
Case Number: CR-04-954 (ARR)

Judgment - Page _____ of _____

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of time served.

___ The Court makes the following recommendations to the Bureau of Prisons:

___ The defendant is remanded to the custody of the United States Marshal.
___ The defendant shall surrender to the United States Marshal for this district,

___ at _____ a.m./p.m. on _____
___ as notified by the Marshal.

___ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

___ before 12:00 noon on _____
___ as notified by the United States Marshal.
___ as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By _____

Defendant: OLAYINKA ADELAJU
Case Number: CR-04-954 (ARR)

Judgment - Page of

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- 1) IF EXCLUDED; DEFT SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY.

— The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

STANDARD CONDITIONS OF SUPERVISION

Judgment: While the defendant is on probation or supervised release pursuant to this

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

Defendant: OLAYINKA ADELAJU
Case Number: CR-04-954 (ARR)

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FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 100.00, consisting of a fine of \$ N/A and a special assessment of \$ 100.00.

These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

This sum shall be paid immediately
 as follows:

XXX The Court has determined that the defendant does not have the ability to pay any fines, cost of confinement or supervision.

- The interest requirement is waived.
- The interest requirement is modified as follows:

Sentencing Excerpt

2

1 THE COURT: I understand from the pre-sentence
2 report that the defendant was raised under very difficult
3 conditions. She married a physically abusive husband who
4 abandoned her with three children in the same year that
5 she lost her job. She was evicted from her apartment and
6 has been staying with her children, with friends, for
7 several years. The children who are eight, 11, and 14
8 first stayed with one friend and then were transferred to
9 someone else while staying with the first friend in
10 November.

11 There is an article that has been presented to
12 me stating that a distant cousin attempted to rape her
13 nine-year-old daughter after the children were moved to
14 the second family. They apparently drafted the letters
15 that I have before the court in which they report that
16 they are being treated very badly by the people that
17 they're staying with and this is no money to send them to
18 school.

19 Candidly, it is not clear that the defendant's
20 presence would measure by assist in the children's
21 financial support, but I am persuaded that her presence
22 would help ensure their safety. She's also written
23 repeatedly about her remorse for her conduct and has
24 reiterated it again in a statement before me today and I
25 credit her comment that she will not again involve herself

Sentencing Excerpt

3

1 with any illegality.

2 Her only relative who might have been any hope
3 to conceivably help with the children is her 87-year-old
4 grandmother who is ill and is already caring for the three
5 young children of Ms. Adelaju's deceased sister. She's
6 not really in a position to help either.

7 There were various statements related in the
8 pre-sentence report as being statements of Ms. Adelaju
9 accounting for her presence in the United States on four
10 occasions in the last two years.

11 Does she stand by those statements?

12 MR. CARTER: Yes, Your Honor. Let me just make
13 sure. (Pause). Yes.

14 On one of the prior trips she did come for a
15 naming ceremony; another trip, she had come to purchase
16 clothing specifically slippers also perfume and some bags
17 for sale in Nigeria.

18 THE COURT: There is an indication in the report
19 that she came with food in July of 2004.

20 Did I read that incorrectly?

21 MR. CARTER: That is correct, Your Honor. Yes,
22 she came with fish on an earlier occasion, that was an
23 attempt at a dry run for bringing the drugs. There were
24 no drugs brought with her on that occasion.

25 THE COURT: Oh, that was the July 3rd occasion?

Sentencing Excerpt

4

1 MR. CARTER: Yes.

2 THE COURT: So, she acknowledges that that was a
3 dry run for this purpose?

4 MR. CARTER: Yes.

5 THE COURT: Well, I'm going to credit the family
6 circumstances.

7 Ms. Adelaju, I certainly hope you're serious.
8 If you come back to this country illegally you understand
9 what will happen if you ever again import drugs. Let me
10 tell you no judge will treat you the way I will in this
11 case, in fact, you'll be probably in jail for so long that
12 you may not see your children.

13 Do you understand?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: I sentence Ms. Adelaju to the
16 custody of the attorney general for a period of time
17 served to be followed by a three-year period of supervised
18 release with the special condition that, if deported, she
19 not illegally re-enter the United States and I prohibit
20 the possession of firearms; and make a finding that she's
21 unable to pay a fine but I had impose the mandatory \$100
22 special assessment.

23 And please remember my words, you could not
24 possibly be in a worse situation than were you to do
25 something else to end up in a court in America.

Sentencing Excerpt

5

1 Do you understand?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Are there any open counts Mr.
4 Burlingame.

5 MR. BURLINGAME: There are, Your Honor, and I
6 move to dismiss them.

7 THE COURT: The motion is granted. Ms. Adelaju,
8 there are circumstances in which a defendant may appeal
9 the sentence. I don't believe it's going to apply in your
10 case. But, if you choose to appeal, a Notice of Appeal
11 must be filed within 10 days and a lawyer would represent
12 you. Let me also state for the record that this is a
13 departure under the guidelines.

14 MR. BURLINGAME: Thank you.

15 MR. CARTER: Thank you.

16 (Defendant exits from courtroom at 2:19 p.m..)

17 (WHEREUPON, the proceedings were adjourned.)

18 * * *

19 CERTIFICATE OF REPORTER

20 I certify that the foregoing is a correct transcript of
21 the record of proceedings in the above-entitled matter.

22

23

24

25

Anthony D. Frisolone, CSR, RPR, CRR, CRI
Official Court Reporter